

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

VINCENT VICINANZA and LUIS  
MORALES,

Plaintiffs,

-against-

HORIZON WINDOW TREATMENTS, INC.  
and ERIC ABIKZER,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 4/21/2023

1:22-cv-657-MKV

**ORDER TO SHOW CAUSE**

MARY KAY VYSKOCIL, United States District Judge:

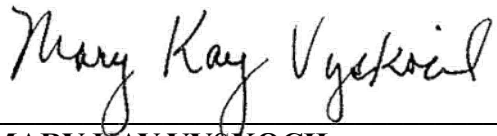
On February 24, 2023, this Court entered an Order directing the parties to file “a joint letter with sufficient information to enable this Court to evaluate whether the settlement is fair and reasonable” on or before March 24, 2023. [ECF No. 33.] On March 24, 2023, the parties jointly requested a two-week extension of time to file the joint letter, which the Court endorsed. [ECF Nos. 34, 35.] Two weeks passed, and no joint letter was filed. Accordingly, the Court entered an Order to Show Cause on April 11, 2023, directing both parties to “file a letter showing cause why counsel should not be sanctioned for failing to comply with this Court’s Orders.” [ECF No. 36.] On April 17, 2023, the parties submitted a letter apologizing for their “slight delay in submitting a final motion for Court approval” and assuring the Court that the parties intended to “expeditiously file a motion for settlement approval.” [ECF No. 37.]

The parties may not submit court ordered filings at their leisure. On or before April 26, 2023, counsel for both parties are HEREBY DIRECTED to file the joint letter, as outlined in this Court’s Order at ECF No. 33. In addition to that information, the letter should also detail why the parties have been repeatedly unable to submit the joint letter in a timely manner. **If the joint letter is not submitted on or before April 26, 2023, this action will be dismissed for failure to**

**prosecute.** *See Mitchell v. Lyons Pro. Servs., Inc.*, 708 F.3d 463, 467 (2d Cir. 2013). **Further, in the event that the parties again fail to file the joint letter, counsel for both sides will be sanctioned and may face monetary penalties. This is the parties' FINAL chance to comply with an Order of this Court.**

**SO ORDERED.**

**Date: April 21, 2023  
New York, NY**

  
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**MARY KAY VYSKOCIL**  
**United States District Judge**